



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Randall W. Olsen, Treasurer
Committee to Elect Randall Olsen
PO Box 66
Ottawa, IL 61350

MAY 27 2016

RE: MUR 6804

Dear Mr. Olsen:

On April 8, 2014, the Federal Election Commission notified you and the Committee to Elect Randall Olsen and its treasurer of a complaint alleging violations of the Federal Election Campaign Act of 1971, as amended (the "Act"). On May 26, 2016, the Commission found that there is no reason to believe that the Committee to Elect Randall Olsen and its treasurer ("Committee") violated 52 U.S.C. §§ 30103 and 30104(a). Also on this date, the Commission found no reason to believe that Randall W. Olsen violated the Act and Commission regulations. Finally, the Commission decided to dismiss the allegation that the Committee violated 52 U.S.C. § 30120(a)(1). Accordingly, the Commission closed the file in this matter on May 26, 2016.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66,132 (Dec. 14, 2009). The Factual and Legal Analysis, which explains the Commission's finding, is enclosed for your information.

If you have any questions, please contact Ruth Heilizer, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

Daniel A. Petalas
Acting General Counsel

BY: Jeff S. Jordan
Assistant General Counsel
Complaints Examination and
Legal Administration

Enclosure: Factual and Legal Analysis

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FACTUAL AND LEGAL ANALYSIS

I. INTRODUCTION

II. FACTUAL AND LEGAL ANALYSIS

³ On the same date, Olsen filed a Statement of Organization designating the Committee as his principal campaign committee.

1 Pharmacy prescription bags, and a campaign website. *Id.* at 1-2. As a result, the Complainant
2 asserts that Olsen “credibly aggregated \$5,000.00 in campaign contributions” and in “campaign
3 expenditures.” *Id.* at 2.⁴ The Complainant asserts, however, that the Committee failed to file
4 required financial disclosure reports, including the 2013 October Quarterly Report, 2013 Year
5 End Report, and 2014 Pre-Primary Report, in violation of the Act and Commission regulations.
6 *Id.*

7 The Complainant also states that the Committee produced yard signs and flyers that failed
8 to include disclaimers in preprinted boxes, in violation of 11 C.F.R. § 110.11(c)(2)(ii). *Id.*
9 Similarly, the Complainant alleges that the Committee purchased advertising space on North
10 Park Pharmacy prescription bags that lacked disclaimers. *Id.* Alternatively, to the extent that the
11 Committee did not pay for its advertisements on the prescription bags, the Complaint alleges that
12 the Committee failed to report the advertising space as an in-kind contribution from North Park
13 Pharmacy. *Id.*

14 The Committee responds that the Olsen campaign “had not reached the \$5,000 limit”⁵ at
15 the time the Complaint was filed, and asserts that its 2014 April Quarterly Report had been
16 prepared and timely submitted to the Commission. Committee Resp. at 1. The Committee also
17 states that the costs of building its website, which was being constructed by a campaign
18 volunteer, were “about \$60” and would be reported as an in-kind contribution. *Id.* In addressing

⁴ It should be noted that 11 C.F.R. § 100.3(a)(1) requires that the individual seeking nomination or election receive or expend “in excess of \$5,000.”

⁵ The Committee refers to the \$5,000 limit set forth in “IRS form 8872.” The Internal Revenue Service’s Form 8872 pertains to certain organizations that are exempt from taxation under section 527 of the IRS code. As this is not an FEC filing, the Commission does not address the issue further.

1 the alleged disclaimer violations, the Committee observed that one of the handouts was printed
2 before Olsen announced his candidacy. *Id.* As for the lawn signs, the Committee charges that
3 some images attached to the Complaint were intentionally cropped so as to give the appearance
4 of missing a disclaimer where there was, in fact, a disclaimer. *Id.* at 2. Specifically, candidate
5 Olsen states that “I have 300 of them and every single one of them has the disclaimer in a box in
6 the lower right corner.” *Id.*

7 However, the Committee concedes that the campaign advertisements on the pharmacy
8 bags, which the Committee had paid for, lacked a disclaimer, but adds that it subsequently
9 ordered a stamp, which it will use to affix a disclaimer in the future. *Id.* at 2. Likewise, the
10 Committee acknowledges that it failed to include an appropriate disclaimer on a flyer, notifying
11 citizens of four scheduled fundraisers, and on a second handout. *Id.* at 1–2. The Committee
12 represents that it has taken steps to remedy these violations, including purchasing a stamp
13 bearing a disclaimer for the pharmacy bags and disclaimer labels for the handouts. *Id.* at 2.

14 Under Commission regulations, an individual does not become a candidate solely by
15 voluntarily registering and reporting. *See* 11 C.F.R. § 104.1(b). Rather, an individual becomes a
16 candidate when he or she receives more than \$5,000 in contributions or makes more than \$5,000
17 in expenditures. 52 U.S.C. § 30101(2)(A); *see also* 11 C.F.R. § 100.3. An individual’s principal
18 campaign committee becomes a political committee, and is thus required to file reports, when
19 that individual becomes a candidate pursuant to 11 C.F.R. § 100.3. *See* 52 U.S.C. §§ 30103(a),
20 30104(a); *see also* 11 C.F.R. §§ 100.5(d); 104.1(a), (b); 104.5(a). Public communications that
21 are authorized and paid for by a candidate’s political committee must contain appropriate
22 disclaimers. 52 U.S.C. § 30120(a)(1); *see also* 11 C.F.R. §§ 110.11(a)(1), (b)(1). Under the Act,

1 a “public communication” includes an “outdoor advertising facility” and “any other form of
2 general public political advertising.” 52 U.S.C. § 30101(22); *see also* 11 C.F.R. § 100.26. Such
3 communications, if printed, are required to include a written disclaimer that is included in a
4 printed box, stating that the committee paid for the communications in question. 52 U.S.C.
5 § 30120(c); *see also* 11 C.F.R. § 110.11(c).

6 In this case, the Committee’s 2014 April Quarterly Report discloses contributions,
7 including candidate loans,⁶ of \$5,361, and the Committee received \$1,733.60 of that amount
8 between January 1, 2014 through March 31, 2014.⁷ Thus, Olsen did not become a candidate
9 under the Act until sometime during that period, therefore, the Committee’s 2014 April
10 Quarterly Report was the first report his principal campaign committee was required to file.
11 Accordingly, the Commission finds no reason to believe that the Committee failed to timely
12 register and report.

13 Although the Committee admits to failing to include disclaimers on some of its public
14 communications, it appears that it took prompt remedial action. Accordingly, the Commission
15 exercises its prosecutorial discretion and dismisses the disclaimer allegations against the
16 Committee to Elect Randall Olsen and Randall Olsen in his official capacity as treasurer,
17 pursuant to *Heckler v. Chaney*, 470 U.S. 821 (1985). The Commission also makes no reason to
18 believe findings as to Randall W. Olsen, as there is no indication that he violated the Act and
19 Commission regulations in this matter.

⁶ Under the Act, the term “contribution” includes a “loan . . . made by any person for the purpose of influencing any election for Federal office.” 52 U.S.C. § 30101(8)(A).

⁷ According to its Report, the Committee expended only about \$4,597 during the campaign to date.